(*b*) Lacunae in the present provision for the lay-off compensation whereby labour could be denied compensation by working nominally for some days in a week after 45 days lay-off to avoid payment of compensation should be immediately remedied. In the meantime, such practices should not be resorted to.

(*c*) Liquidation proceedings took an unconsciously long time. Where Government was convinced on competent advice that a mill, company or a unit could not be worked unless ownership was changed, some measures—legal, if necessary—might be devised for an early completion of the liquidation proceedings or the sale by transfer or open auction of such property even before liquidation so that the new party would restart working of such units. In the interim, the Government should, as far as possible, work the mill as a measure of unemployment relief with such conditions as agreed to between Government as an employer and the workers concerned. In such cases, steps should be taken to overcome the difficulties caused by the normal financial procedures of Government.

(*d*) The Government of India should consider favourably any request coming from the State Governments for enquiries under the Industries (Development and Regulation) Act and in conducting such enquiries should associate the concerned State Governments if it is so desired.

APPENDIX I.

INDIAN LABOUR CONFERENCE.

(16th Session, May 1953.)

MEMORANDUM.

Item No. 6 on the Agenda—" Evaluation and implementation of labour enactments, awards, settlements, agreements, etc.".—The question of evaluating the implementation of labour laws, awards, agreements and settlements was considered by the Standing Labour Committee at its 16th Session held in October 1957. In pursuance of the recommendations of this Committee, the Government of India have set up an Evaluation and Implementation Division in the Ministry of Labour and Employment to assess the extent of non-implementation of Labour laws, awards, etc., and to evaluate the results achieved by such measures. The State Governments have also been requested to set up similar machinery. According to the information received so far, the Government of West Bengal have finalized proposals for an Evaluation Committee in their State. They have also set up a small Evaluation and Implementation Cell to examine cases of non-implementation, etc. Other State Governments are considering the proposal.

2. With a view to assessing the extend of non-implementation of awards, etc., and to have a full appraisal of the problem, the Evaluation and Implementation Division in the Ministry of Labour and Employment, issued circular letters, in January 1958 to all State Governments and all-India organizations of employers and workers

requesting them to furnish. In specified questionnaires, information regarding cases of non-implementation or partial, delayed or defective implementation of labour enactments, award, etc. It is proposed to collect such information periodically from the aforesaid agencies so that any case of non-implementation or partial or delayed implementation of an award or an enactment is immediately brought to the notice of the authority concerned and necessary action taken. Members of Parliament have also been requested to offer their suggestions in this connection and to bring to the notice of the Evaluation and Implementation Division any case of non-implementation or infringement of labour laws, awards, etc. . . . In response to the circular letters issued by this Division replies have been received from some State Governments, workers' and employers' organizations. Certain complaints from individual unions and workers have also been received. An analysis of the cases reported so far reveals that the complaints are generally of the following nature:—

(a) *Complaints about non-compliance of some labour laws.*— Some of the important labour laws which have been mentioned in this connection, are: Payment of Wages Act, Minimum Wage Act, Industrial Employment (Standing Orders) Act, Workmens' Compensation Act, Mines Act and Industrial Disputes Act. The complaints are mostly of a general nature and very few specific instances of infringement of a provision of an Act by an employer have been reported.

(b) *Complaints against non-implementaion of certain awards or agreements*, (c) *Complaints by individual persons regarding non-implementation of an award in respect of him or some injustice caused to him by the employer concerned and* (d) *General complaints about difficulties experienced in the working of certain Acts, etc.*— These include the tendency of certain employers to go in appeal to High Courts or the Supreme Court, the long time taken by these Courts in deciding cases, the multiplicity of unions in an industry and interference of outsiders in the affairs of unions.

3. These complaints are being examined in consultation with the State Governments. A senior officer of this Ministry will also go round the States to discuss the cases of non-implementation, etc., personally with the officers of the State Governments and representatives of industry and workers. In cases where a general complaint about the working of a particular measure is made, it is proposed to set up small *ad hoc* Evaluation Teams of Experts to examine and report on its working. One such team has already been constituted to examine the working of the multi-purpose institutes set up under the Coal Mines Welfare Fund Scheme. The working of the Employees' State Insurance Scheme may also be examined by a similar Committee.

4. The task of ensuring compliance of all labour laws, awards, etc., throughout the country, is enormous and success can be achieved only with the help and co-operation of all parties and organizations concerned with labour and their welfare. The Evaluation and Implementation Machinery of the State Labour departments, as recommended by the Standing Labour Committee, when set up, will, no doubt, be of considerable help as cases of non-implementation in the State sphere can be tackled efficiently only by them.

The co-operation of employers and workers, both in bringing to the notice of the Government cases of non-implementation and in removing the causes of friction and creating a climate favourable for promotion of better labour-management relations cannot be over-emphasised. The Code of Discipline has already been ratified by all the organizations of employers and workers and if this Code is followed faithfully cases of non-implementation would be considerably reduced. Infringement of this Code is also a case of non-implementation and instances of this infringement should be brought to the notice of the Evaluation and Implementation Division.

5. The Evaluation and Implementation Division in the Ministry of Labour and Employment will, no doubt, render all possible assistance to the parties concerned to get the laws, the code and the awards, etc., implemented, but in order to enable this Division to function efficiently, it is necessary that while referring cases of non-implementation, etc., complete details of the case, the name of the party concerned and specific items of non-implementation, etc., are furnished as it is difficult to take specific and prompt action in cases of complaints which are vague or are of a general nature.

6. The Conference may like to offer its views on the general question of evaluation and implementation of labour enactments, awards, etc., for the guidance of the parties concerned.

TRUTH ALONE TRIUMPHS